

SENATE BILL, No. 8.]

[SES. 1860-'61.

Introuced by Mr. HUMPHREY, of Onslow.

John Spelman, Printer to the State.

A BILL TO PERMIT FREE PERSONS OF COLOR
TO SELECT THEIR OWN MASTERS AND BECOME
SLAVES.

SECTION 1. *Be it enacted by the General Assembly of the
State of North-Carolina, and it is hereby enacted by the
authority of the same,* That it shall be lawful for any free
person of color, now in this State, or who may hereafter
be within its limits, being over the age of fourteen years,
to choose his or her master, and become a slave, upon the
terms and conditions hereinafter named ; *Provided*, said
slave shall not be subject to forced sales for any debt in-
curred by, or judgment rendered against the chosen mas-
ter, prior to the period of enslavement.

SEC. 2. *Be it further enacted*, That whenever any free
person of color, as aforesaid, desires to choose a master,
such person may file a petition in the court of pleas and
quarter sessions of the county in which he or she resides,
setting forth his or her desire to choose an owner ; which
petition shall be signed by the petitioner, in the presence
of at least two subscribing witnesses ; and thereupon the
clerk of the court in which such petition shall have been
filed, shall give notice thereof by posting such notice at
the court house door for four weeks ; and said clerk shall
issue a summons to the petitioner and the person desig-
nated in the petition as the proposed master, citing them
to appear before said court, at the term thereof next suc-

14 ceding the expiration of the publication of said notice,
15 and shall also issue a subpœna for the subscribing wit-
16 nesses to the petition, which summons and subpœna shall
17 be executed in the same manner as like process in other
18 cases.

SEC. 3. *Be it further enacted*, That upon the appearance
2 in open court, of both the petitioner and the person de-
3 signated in the petition as the desired master, the court
4 shall proceed to examine each party separately, as well as
5 the subscribing witnesses to the petition, and such other
6 person as the court may seem fit ; and at such examina-
7 tion, the county solicitor shall be present, and see that a
8 full examination is had, and he shall represent the peti-
9 tioners in such examination. And if upon such exami-
10 nation the court shall be satisfied that there is no fraud
11 or collusion between the parties, that the proposed master
12 is a person of good repute, and there is no good reason to
13 the contrary, the said court shall have power, by decree
14 entered into the records of the court, to grant the prayer
15 of the petitioners ; and from the entry of such decree, the
16 property in said free person of color, as a slave, shall vest
17 in the person so chosen as master, and his rights and lia-
18 bilities and the condition of the petitioners shall be in all
19 respects the same as though such petitioner had been born
20 a slave to the master so chosen.

SEC. 4. *Be it further enacted*, That when any such pe-
2 titioner as hereinbefore mentioned, shall be a female,
3 having children under fourteen years of age, and shall in
4 her petition ask that such children shall become the slaves
5 of the same person chosen by her as master, if the court
6 shall, after examination as in this act before provided,
7 grant the prayer of the petitioner as to herself, it shall
8 also decree such children in like manner, to be the slaves
9 of the same owner ; *Provided*, That where the mother of
10 such children, under the age of fourteen years, shall be
11 deceased, in that case the next friend of such children

12 shall have authority in their behalf, to proceed in the
13 same manner to the selection of a master for them, as the
14 mother might do under the provisions of this act.

SEC. 5. *Be it further enacted*, That the county solicitor
2 shall be entitled to a fee of ten dollars for each examina-
3 tion attended by him under the provisions of this act,
4 which shall be taxed as costs on the proceedings, and all
5 the costs of the proceedings shall be paid by the master
6 to whom the slave may be decreed; and after a petition
7 shall have been filed under the provisions of this act, and
8 during the pendency of the proceedings under the same,
9 no proceedings shall be had against the petitioner under
10 any law prohibiting free persons of color from remaining
11 in or coming to this State.

